IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

RAPHALE HOLT #513651,)
Plaintiff,)
v.) Case No. 3:21-cv-00093
CORE CIVIC, et al.,) Judge Trauger)
Defendants.)

MEMORANDUM AND ORDER

Raphale Holt, a state prisoner proceeding pro se, filed this action on February 4, 2021. On February 23, 2021, the court granted the plaintiff leave to proceed without prepayment of fees but found his Complaint to be deficient in several respects. (Doc. No. 5.) Accordingly, the court ordered the plaintiff to file an amended complaint within 28 days and warned him that failure to do so may result in dismissal of this case for failure to prosecute and failure to comply with the court's order. (*Id.*) On April 7, 2021, after it became apparent that the plaintiff had not received the court's February 23 order due to his transfer to a new prison, the court entered an order extending his deadline to file an amended complaint until 28 days from the order's entry. (Doc. No. 8.)

Plaintiff failed to comply with this filing requirement, and his deadline has now passed. He has thus failed to take the necessary steps to prosecute this case.

Dismissal of this action is appropriate in view of the plaintiff's fault in failing to comply with the court's orders despite having been warned that such failure could lead to dismissal, *Choate v. Emerton*, No. 2:16-cv-00037, 2018 WL 3656505, at *2 (M.D. Tenn. Aug. 2, 2018), *report and recommendation adopted*, 2018 WL 4076955 (M.D. Tenn. Aug. 27, 2018), and pursuant to the

court's "well settled . . . authority to dismiss sua sponte a lawsuit for failure to prosecute." *Carpenter v. City of Flint*, 723 F.3d 700, 704 (6th Cir. 2013). In view of the plaintiff's pro se status, as well as the preference for disposing of cases on their merits, the court finds dismissal without prejudice to be the appropriate disposition here. *See Mulbah v. Detroit Bd. of Educ.*, 261 F.3d 586, 591 (6th Cir. 2011).

Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and to comply with the court's orders.

It is so **ORDERED**.

Åleta A. Trauger

United States District Judge